

UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
Case No. 3:05 CV 391-MU

In re:

JOSEPH A. DIBRUNO, SR.,

Bankruptcy No. 05-33007
(Chapter 7)

Debtor

In re:

**NICHOLAS DIBRUNO and
WENDY DIBRUNO**

Bankruptcy No. 05-33005
(Chapter 7)

Debtors

In re:

JOSEPH A. DIBRUNO, JR.,

Bankruptcy No. 05-33006
(Chapter 7)

Debtor

In re:

LELA L. DIBRUNO

Bankruptcy No. 05-33712
(Chapter 7)

Debtor

LANGDON M. COOPER, Trustee in
Bankruptcy for Joseph A. DiBruno, Sr.,
Nicholas DiBruno and Wendy DiBruno,
Joseph A. DiBruno, Jr., and Lela L.
DiBruno,

Movant

vs.

George Q. Hall and Peggy S. Hall,

Respondents

**ORDER AUTHORIZING AND CONFIRMING
PRIVATE SALE OF PROPERTY, and
TRANSFERRING LIENS TO PROCEEDS**

After Notice and a Hearing, and upon Motion and Notice of Langdon M. Cooper, Trustee, in which he seeks authority to sell at private sale certain property of the estates of Joseph A. DiBruno, Sr. and Lela DiBruno free and clear of all liens and encumbrances; and after considering and reviewing all pleadings and the record established before the Court, the Court concludes: (i) that notice of an opportunity for a hearing on any objections to the Trustee's motion was properly served on all creditors and all other parties in interest, and that there were no objections to the sale as proposed; (ii) that the sale price is fair and reasonable, (iii) that the Trustee may conduct this sale free and clear of all liens and encumbrances under 11 U.S.C. §363(f), (iv) that the purchasers identified in this Order are purchasing the property in good faith and are in all respects good faith purchasers, (v) that the Trustee has fully complied with all provisions of the United States Bankruptcy Code and the Federal Rules of Bankruptcy Procedure, including but not limited to 11 U.S.C. §363 and Fed. R. Bankr. P. 6004 and 9014; and (vi) that it is in the best interest of this estate that this pending sale be closed without further delay and that the Trustee's motion to sell and all conditions in that Motion be granted; it is, therefore,

ORDERED that Langdon M. Cooper, Trustee, who by virtue of the United States Bankruptcy Code is vested with the fee simple title to the following described property (the "Property"), is authorized to consummate the following transaction:

Sale of certain real property consisting of approximately 1.018 acres located on Sue Street, Southpoint Township, Gaston County, North Carolina being described more particularly in Deed Book 2875 at Page 522 in the Gaston County Registry for \$22,000 cash to M. Brent Smith, or his assigns, "as is where is" without warranty as to physical or environmental condition, free and clear of all liens and encumbrances, with all liens or encumbrances to transfer to proceeds, with the following disbursements to be made from the sales proceeds: (i) all closing costs as approved by the Trustee; (ii) payment of any outstanding *ad valorem* taxes which are a lien on the property; and (iii) payment of \$4,614.77 to George Q. Hall and Peggy S. Hall as payment in full of their equitable mortgage.

IT IS FURTHER ORDERED that Langdon M. Cooper, Trustee, is authorized to execute and deliver a Deed, which shall incorporate the terms of this Order, and any party may rely on all recitations by Langdon M. Cooper, Trustee, concerning authorization to sell, proper and timely notice to all parties, compliance with the United States Bankruptcy Code and all applicable orders of this Court, and any applicable confirmation;

IT IS FURTHER ORDERED that this Order is not stayed as otherwise provided in Fed. R. Bankr. P. 6004(g), and this sale may be consummated immediately upon entry of this Order;

IT IS FURTHER ORDERED that this private sale is in all respects confirmed.

Signed: December 7, 2006



Graham C. Mullen
United States District Judge

